

---

Plaintiff,  
SHANNON TAYLOR,

CIVIL ACTION-08-cv-4651 (JAG)

VS.

AMENDED COMPLAINT

Defendant,

CITY OF NEWARK, VERNON PARKER individually,  
KYLE BOWMAN individually, & MARY LOUISE BAILEY,  
individually, et al.

---

PLAINTIFF, SHANNON TAYLOR, by and through undersigned counsel, brings this complaint against Defendants , CITY OF NEWARK, VERNON PARKER, Individually KYLE BOWMAN, Individually, and MARY LOUISE BAILEY, Individually, and allege:

**INTRODUCTION STATEMENT**

This is an action for damages sustained by Shannon Taylor, instituted against employee officers of the, City of Newark. On September 18, 2006, Officers Vernon Parker, Kyle Bowman, and Mary Louise Bailey unlawfully assaulted and battered Plaintiff with deadly force without justification and in violation of Plaintiff’s civil rights.

**JURISDICTION**

1. This action is brought pursuant to 42 U.S.C. 1983, the Fourth and Fourteenth Amendments of the Constitution, and the laws of the State of New Jersey.

2. The jurisdiction of this Court is predicated on 28 U.S.C. 1331 and 1342 (a) (3) and the supplemental jurisdiction of this Court under 28 U.S.C. 1367 (a). Venue is placed in the United States District of New Jersey because it is where all parties reside and where the events complained of occurred.

3. All conditions precedent to the maintenance of this action have been performed or have occurred prior to its institution including those set forth in New Jersey Statutes Annotated 59:8-8.21.

### **PARTIES**

4. SHANNON TAYLOR, (hereinafter "Plaintiff") was and is a resident of the City of Newark at all times relevant hereto.

5. At all times material hereto VERNON PARKER (hereinafter "Parker") was and/or is an employee of Newark Police Department and the City of Newark.

6. At all times material hereto KYLE BOWMAN (hereinafter "Bowman") was and/or is an employee of Newark Police Department and the City of Newark, Essex County.

7. At all times material hereto MARY LOUISE BAILEY (hereinafter "Bailey") was and is an employee of Newark Police Department and the City of Newark.

8. CITY OF NEWARK (hereinafter "Newark") is a city duly organized under the Constitution and laws of the State of New Jersey.

9. At all times relevant hereto and in all actions described herein, Parker was acting under color of law as a police officer, and in such capacity, as the agent, servant and employee of the City of Newark.

10. At all times relevant hereto and in all actions described herein, Bowman, was acting

11. At all times relevant hereto and in all actions described herein, Bailey was acting under color of law as a police officer, and in such capacity, as the agent, servant and employee of the city of Newark.

### **FACTUAL ALLEGATION**

12. On September 18, 2006, Defendant Officers arrested Plaintiff on Ninth Avenue on an outstanding municipal warrant for criminal mischief.

13. Defendant Officers detained Plaintiff unlawfully in the back of their police vehicle for several hours while they verbally and physically mistreated him.

14. Defendant Officers, after the passage of several hours, transported Plaintiff to the Newark Police central processing unit on Green Street.

15. Plaintiff, while at the central processing unit, asked to see a police supervisor to complain about the mistreatment he was receiving from the Defendant Officers.

16. Plaintiff, after making his request to see a police supervisor, was physically beaten and assaulted by Defendant Officers.

17. As a direct and proximate result of the actions of the City of Newark, Parker, Bowman, and Bailey, individually and under the supervision of the City of Newark.

Plaintiff suffered a broken jaw, a broken eye socket, and the additional following damages:

- a. Violation of his constitutional rights under the Fourth and Fourteenth Amendments to United States Constitution to be free from an unreasonable search and seizure of their person, to be afforded due process of a law and equal protection

under the law:

b. Loss of physical liberty; and

c. Severe and permanent physical injury, humiliation, emotional distress, pain and suffering, substantial medical and other out-of-pocket expenses, and future medial expenses.

18. As a direct and proximate result of the actions of the City of Newark, Parker, Bowman, and Bailey, individually and under the supervision of the City of Newark the following clearly established and well-settled federal constitutional rights of Plaintiff were violated:

- a. Freedom from unreasonable search and seizure.
- b. Freedom from the use of excessive, unreasonable and unjustifiable force against his person:
- c. Equal Protection under the law: and
- d. Due process of law.

### **COUNT I**

19. Plaintiff repeats and alleges Paragraphs 1 through 18, and incorporates them by reference herein.

20. This cause of action is brought by Plaintiff, against Newark and, Parker, Bowman, and Bailey for deprivation of his Constitutional rights within the meaning of 42 U.S.C. 1983.

21. Parker, Bowman, and Bailey, were acting under the color of the law, as authorized agents the City of Newark, while arresting Plaintiff.

22. The constitutional deprivation was caused by Newark's numerous areas of  
Case 2:08-cv-04651-GEB -ES Document 24 Filed 03/04/10 Page 5 of 15  
deliberate indifference as outlined in above including:

a. Custom of condoning alleged instances of police brutality without punishing its officers. The above-mentioned actions were not isolated incidents. Newark has a history of exonerating officers for allegedly using excessive use of force against its citizens.

Officers within the police department are secure in knowing that a reported incident will not result in any disciplinary proceedings unless another officer can verify that the force was excessive. Newark permitted and tolerated the practice of unjustified and unreasonable use of excessive force by its officers under the color of law. Newark condones an officer's action even when other non-police witnesses have complained that the force used was excessive.

23. The above described actions of Parker, Bowman, and Bailey and the policies and practice of Newark condoning the use of excessive force by their agents, servants and employees, violated the rights and privileges of plaintiff under the Fourth and Fourteenth Amendments to the United States Constitution.

24. Parker, Bowman, and Bailey violated Plaintiff's civil rights by brutalizing and inflicting severe injury on Plaintiff under the color of law with force that was grossly disproportionate in relation to the need for action.

25. As a direct and proximate result of the above-mentioned unconstitutional acts of Defendant Officers, while agents, servants or employees of Newark, and the Unconstitutional Policies, customs and practices of Newark, Plaintiff sustained severe physical injury, causing humiliation, emotional distress, pain and suffering, has

**WHEREFORE**, plaintiff demands judgment against Newark, Parker, Bowman, and Bailey for:

- a. Award compensatory damages for 100 million dollars;
- b. Award reasonable attorney's fees and costs pursuant to 42 U.S.C. 1988;
- c. Award punitive damages; and
- d. Award such other further relief as this Honorable Court deems just.

## **COUNT II**

26. Plaintiff repeats and realleges Paragraphs 1- 25, and incorporates them by reference herein.
27. This cause of action is brought by Plaintiff against Parker, Bowman, and Bailey for conspiracy to interfere with Plaintiff's constitutional rights to be free from unjustified and excessive force utilized by police officers, as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.
28. Parker, Bowman, and Bailey entered into a agreement for the purpose of depriving Plaintiff of his constitutionally protected rights by utilizing excessive use of force while acting under color of law in their capacity as police officers employees by Newark.
29. Parker, Bowman, and Bailey have knowledge of the nature and scope the of the agreement for the purpose of depriving Plaintiff of his constitutionally protected rights by utilizing excessive use of force while acting under the color of law in their capacity as police officers employees by Newark.
30. In furtherance of said conspiracy, Parker, Bowman, and Bailey inflicted severe injury

31. The acts of Parker, Bowman, and Bailey were part of an ongoing practice of the conspirators to utilize excessive force with full knowledge that their actions would be exonerated.
32. The acts of Parker, Bowman, and Bailey were carried out for the very purpose of depriving Plaintiff of the equal protection of the laws and or equal privileges and immunities under the law and to expressly violate Plaintiffs right to be free from unreasonable search and seizure and from excessive force defined in the Fourth Amendment of the United States Constitution.
33. As a direct and proximate consequence of the conspiracy of Parker, Bowman, and Bailey, plaintiff sustained severe and permanent physical injury, humiliation, emotional distress, pain and suffering incurred substantial medical and other out-of-pocket expenses, and will continue to incur medical expenses.

**WHEREFORE** plaintiff, demands judgment against defendants, individually, jointly and severally and, together with interest and cost of suit for:

- a. Award compensatory damages for 100 million dollars.
- b. Award reasonable attorneys fees and costs pursuant to 42 U.S.C. 1988.
- c. Award punitive damages: and
- d. Award such other and further relief as its Honorable Court deems just.

### **COUNT III**

34. The plaintiff repeats and reiterates Paragraphs 1-33 incorporates them by reference herein.
35. On or about September 18, 2006 and for a substantial period of time prior thereto, the

defendants, Parker, Bowman, and Bailey who they duly empowered, commissioned and authorized to act as law enforcement officers on their behalf.

36. At all times mentioned herein, the defendant, Newark, owed a duty to exercise reasonable and due care on the screening, testing, hiring, training retention and supervision of its agents, servants, employees and officers including the defendants Parker, Bowman, and Bailey for they knew or should have known that their failure to use such due care imposed reasonably foreseeable risks of serious harm to members of the general public with whom they would come in contact, and create the risk of violation of protective civil rights of citizens, including the Plaintiff, Shannon Taylor.
37. At all times mentioned herein, the defendant, Newark was negligent, careless, reckless and/or acting with willful, wanton and/or gross indifference to the, consequences and otherwise unreasonable manner in breeching their duty of care in the hiring, screening, testing, retention, supervision and training of its agents, servants and/or employees, and/or officers including the Defendant Officers.
38. At all times mentioned herein, the defendant, Newark, knew or should have known that the defendant officers, Parker, Bowman, and Bailey, were unfit, incompetent and dangerous in their positions of trust as police officers, and that it was reasonably foreseeable that such unfitness, incompetence and dangerous attributes created a unreasonable risk of harm to the public who they were charged to serve and protect including the Plaintiff, Shannon Taylor.
39. As a direct and proximate result of the Defendant, Newark the aforesaid actions and/or omissions to adequately hire, screen, test, train, retain and supervise the Defendant



40. As a direct and proximate result of the Defendant's negligent actions and/or omissions, the Plaintiff, Shannon Taylor had his constitutional and civil rights violated, suffered serious and permanent bodily injuries and emotional trauma, which are permanent in nature, has been caused and will be caused to expend large sums of money for medical and psychological treatment necessary to effect a cure for his injuries and has been and will in the future be caused great pain and suffering, has been and will in the future be caused to loose large sums of money due to his inability to pursue his usual occupation and daily functions and activities.

**WHEREFORE**, Plaintiff, demands judgment against the Defendants for damages , individually, jointly and severally and, in the alternative together with interest and cost of suit for:

- a. Award compensatory damages for 100 million dollars.
- b. Award reasonable attorneys fees and costs pursuant to 42 U.S.C.1988.
- c. Award punitive damages: and
- d. Award such other and further relief as its Honorable Court deems just.

#### **COUNT IV**

41. Plaintiff repeats and realleges Paragraphs 1-40 and incorporates them by reference herein:
42. This cause of action is brought by Plaintiff against Parker for his willful, wanton, and malicious use of excessive force under color of law that deprived Plaintiff of constitutionally protected rights under the Fourth and Fourteenth Amendments to the

43. Parker, violated Plaintiff's Fourth and Fourteenth Amendment rights to the U.S.

Constution by inflicting severe injury upon Plaintiff that was grossly disproportionate to the force necessary to arrest and detain Plaintiff.

44. Parker, while acting in his capacity as police officer for Newark,  
and under the color of law, did willfully, maliciously and intentionally  
use excessive force to arrest and detain Plaintiff for an alleged  
criminal misdemeanor.

45. The intentional, willful and wanton acts of Parker establish a claim for punitive  
damages by Plaintiff against Parker.

**WHEREFORE**, Plaintiff demands judgment against the Defendant Parker for:

- a. Award compensatory damages for 100 million dollars.
- b. Award reasonable attorneys fees and cost's pursuant to 42 U.S.C. 1988:
- c. Award punitive damages: and
- d. Award such other and further relief as this Honorable Court deems just.

#### **COUNT V**

46. Plaintiff repeats and realleges Paragraphs 1-45 and incorporates them by reference herein.

47. This cause of action is brought by Plaintiff against Bowman for his willful, wanton,  
and malicious use of excessive force under the color of law that deprived Plaintiff of  
constitutionally protected rights under the Fourth and Fourteenth Amendments to the  
United States Constitution.

Constitution by inflicting severe injury upon Plaintiff that was grossly disproportionate to the force necessary to arrest and detain Plaintiff.

49. Bowman, while acting in his capacity as a police officer for Newark and under the color of law, did willfully, maliciously and intentionally use excessive force to arrest and detain Plaintiff for an alleged criminal misdemeanor.

50. The intentional, willful and wanton acts of Bowman establish a claim for punitive damages by Plaintiff against Bowman.

**WHEREFORE, Plaintiff** demands judgment against Bowman for:

- a. Award compensatory damages for 100 million dollars.
- b. Award reasonable attorneys fees and costs pursuant to 42 U.S.C. 1988:
- c. Award punitive damages: and
- d. Award such other and further relief as this Honorable Court deems just.

## **COUNT VI**

51. Plaintiff repeats and realleges Paragraphs 1 through 50, and incorporates them by reference herein.

52. This cause of action is brought by Plaintiff against Bailey for her willful, wanton, and malicious use of excessive force under color of law that deprived Plaintiff of constitutionally protected rights under the Fourth and Fourteenth Amendments to the United States Constitution.

53. Bailey violated Plaintiffs Fourth and Fourteenth Amendment rights to the U.S.

disproportionate to the force necessary to arrest and detain Plaintiff.

54. The intentional, willful and wanton acts of Bailey established a claim for putative damages by Plaintiff against Bailey.

**WHEREFORE, Plaintiff** demands judgment against Bailey for:

- a. Award compensatory damages for 100 million dollars.
- b. Award reasonable attorneys fees and costs pursuant to 42 U.S.C. 1988:
- c. Award punitive damages: and
- d. Award such other and further relief as this Honorable Court deems just.

## COUNT VII

55. Plaintiff repeats and realleges Paragraphs 1 through 54 and incorporates them by reference herein.

56. This cause of action is brought by Plaintiff, against Parker, Bowman and Bailey for their negligent failure to intervene to prevent fellow officers from violating the constitutional rights of Plaintiff. Law enforcement officers have an affirmative duty to intervene when the officer is aware of constitutional violations in their presence and must to take reasonable steps to protect the victim of another officer's use of excessive force.

57. Parker, Bowman and Bailey negligently failed to prevent excessive force from being committed against Plaintiff when they had a reasonable opportunity to do so. The defendants failure to intervene is a violation of the Fourth Amendment and as such is actionable under 42 U.S.C. 1983.

58. The negligent acts of Parker, Bowman, and Bailey established a claim for

**WHEREFORE**, Plaintiff demands judgment against Parker, Bowman, and Bailey

for:

- a. Award compensatory damages for 100 million dollars:
- b. Award reasonable attorney's fees and costs pursuant to 42 U.S.C. 1988:
- c. Award punitive damages: and
- d. Award such other and further relief as its Honorable Court deems just.

### **COUNT V11I**

59. Plaintiff repeats and realleges Paragraph 1 through 58, and incorporates them by reference herein.

60. Newark, through its employees Parker, Bowman, and Bailey intentionally caused bodily harm to Plaintiff by using deadly force upon his person, slamming Plaintiff's body and face into the ground, and stomping Plaintiff with their feet.

61. The actions of Parker, Bowman, and Bailey aroused fear in the person of Plaintiff. The aforementioned assault and battery was accomplished without the consent and against the will of Plaintiff.

62. Plaintiff has complied with the notice provisions of New Jersey Annotated Statue 59:-8-8, which is a condition precedent to the filing of a tort claim against Newark.

63. Newark, is vicariously liable for the tortuous acts of its employees that were committed within the scope and furtherance of their employment.

64. As a direct and proximate consequence of the acts of Newark, through its employees, Parker, Bowman, and Bailey, Plaintiff sustained severe and permanent physical injury

emotional distress, pain and suffering, incurred substantial medical and other out-of-pocket expenses, and will continue to incur medical expenses.

**WHEREFORE, Plaintiff** demands judgment against Newark for:

- a. Award compensatory damages for 100 million dollars:
- b. Award reasonable attorneys fees and costs pursuant to 42 U.S.C. 1988:
- c. Award punitive damages: and
- d. Award such other and further relief as this Honorable Court deems just.

### **COUNT IX**

65. Plaintiff repeats and realleges Paragraphs 1 through 64, and incorporates them by reference herein.

66. Newark, through its employees, Parker, Bowman, and Bailey, intentionally caused bodily harm to Plaintiff when they knew or should have known that emotional distress would likely result.

67. The conduct of Newark, through its employees, Parker, Bowman, and Bailey, was outrageous, and went beyond all bounds of decency so as to be regarded as odious and utterly intolerable in a civilized community.

68. The conduct of Newark, through its employees, Parker, Bowman, and Bailey, caused severe emotional distress to Plaintiff.

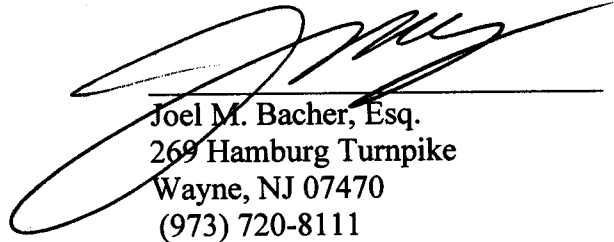
69. Plaintiff has complied with notice provisions of New Jersey Annotated Statue 59:8-8 which is a condition precedent to the prosecution of a tort claim against Newark.

- a. Award compensatory damages for 100 million dollars:
- b. Award reasonable attorneys fees and costs pursuant to 42 U.S.C. 1988:
- c. Award punitive damages: and
- d. Award such other and further relief as this Honorable Court deems just.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury on all issues so triable.

Dated: February 24, 2010



Joel M. Bacher, Esq.  
269 Hamburg Turnpike  
Wayne, NJ 07470  
(973) 720-8111